

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LUCY AMADOR,

Plaintiff,

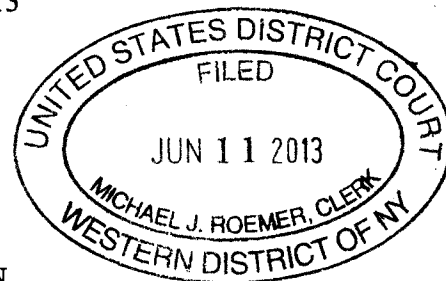
v.

ROBERT SMITH,

Defendant.

10-cv-06702 (DGL) (JWF)

Jury selection begins on
July 11, 2013



**STIPULATION AND ORDER
REGARDING DEFENDANT'S RULE 27 DEPOSITION**

WHEREAS, on May 30, 2013, Defendant Smith ("Defendant") filed a motion to preserve his testimony for trial pursuant to Rule 27 of the Federal Rules of Civil Procedure due to his medical condition (Docket No. 411);

WHEREAS the case has been ordered for trial starting on July 11, 2013 and the pretrial conference is scheduled for 1 pm on June 20, 2013;

WHEREAS Plaintiff Tasama ("Plaintiff") does not oppose the Defendant's motion on the following conditions which are hereby stipulated and agreed to by Plaintiff and Defendant:

1. Defendant will bear the cost of stenographer (including livefeed at the deposition) and videographer and will provide to Plaintiff at no cost to Plaintiff the video and the transcript, which will comply with the specifications stated in Appendix A hereto and on the timeframe stated below.

2. At this Rule 27 deposition, questioning will proceed in the order in which it would proceed at the trial, starting, at Plaintiff's option, with Plaintiff counsel's questioning of the witness for Plaintiff's direct case, the defense counsel's questioning for the Defendant's case, followed by Plaintiff's counsel's cross-examination, followed by any re-direct by defense counsel.

3. Counsel will exchange at least 3 business days prior to the deposition (without waiting to make this disclosure at the June 20, 2013 pretrial conference) a list of all exhibits they intend to use at the deposition (other than any documents they intend to use solely for impeachment). The receiving party will notify the other side within 2 business

days of the deposition whether he/she intends to object to admissibility of those exhibits and shall specify the grounds to enable the other side to prepare to lay the necessary foundation for the exhibit at the deposition (if applicable).

4. Either party may object to the admissibility of the testimony elicited at the deposition and objections are waived if not made at the time of the deposition. The use of the deposition at the trial is otherwise subject to the provisions of Rule 32 of the Federal Rules of Civil Procedure.

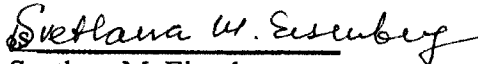
5. Parties shall receive (i) a rough transcript of the deposition within 1 business day of the deposition's conclusion; and (ii) the final transcript as well as the video within 3 business days of the deposition's conclusion.

6. Within 48 hours of receipt of the final video/transcript, the parties shall exchange their designations for this deposition for use at the trial, and within 48 hours of that, their detail of objections made at time of deposition if any so that same can be submitted to the Court by no later than Monday July 1, 2013 to enable the Court to rule on any objections well before the trial.

Stipulated and agreed by:

Counsel for Plaintiff:

DEBEVOISE & PLIMPTON LLP



Svetlana M. Eisenberg

Charles W. Baxter

919 Third Avenue

New York, New York 10022

Tel.: (212) 909-6000

smeisenberg@debevoise.com

cwbaxter@debevoise.com

THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT

Dori Lewis

199 Water Street, 6th Floor

New York, New York 10038

Tel.: (212) 577-3530

dlewis@legal-aid.org

Counsel for Defendant:



MUSCATO DiMILLO & VONA, LLP

Brian J. Hutchison, Esq.

Attorneys for Defendant Robert Smith

107 East Avenue

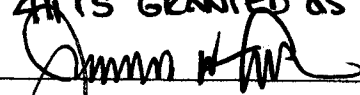
Lockport, NY 14094

(716) 434-9177

BJHesq@gmail.com

DOCKET # 414 IS GRANTED AS UNOPPOSED.

So Ordered: 

Date: 

6/11/13

Appendix A

1 Video will be processed to MPEG-1 format (Videographer to provide a WMV or MPEG1 file and synchronized transcript (.VID file). MPEG1 preferred.);

2 Video sync/ DepoView synchronization of video with corresponding transcript to be placed on CD compatible w/ CaseNotebook & Trial Director

3 Linked exhibits and corresponding LEF file for upload of the transcript (Linked exhibits can be provided within a bundle package (.LEF or .PTZ) for loading.)

4 Rough copies to be provided in ASCII|TEXT format (.asc .txt)

Debevoise contact: Robert Tebbenkamp (rhtebben@debevoise.com)